PART II. REMARKS

1.   Applicant respectfully requests reconsideration in view of the foregoing amendments, the outcome of the Interview, and the following remarks. In rejecting the Claims in the Office Action, the Examiner failed to identify several key differences between the claimed invention and DELEEUW (U.S. Patent No. 6,353,450), the primary prior art reference cited in the Office Action, including: (i) TEXTUAL DATA REPRESENTING TEXTUAL DESCRIPTION OF LIVE EVENT, **as opposed to,** VIDEO IMAGING DATA REPRESENTING REFLECTION OF LIVE (PHYSICAL) SCENE; **(ii)** FINITE-SIZE TRANSPARENT WINDOW, **as opposed to,** FULL-SCREEN TRANSPARENT LAYER, as hereinafter more fully appear.

§ ONE. STATUS OF CLAIMS

2.   Applicant originally presented Claims 1-23 for consideration in the application. In Applicant's subsequent preliminary amendments, Claims 1-23 were cancelled, without prejudice, and Claim 24-60 were added. In Applicant's latest preliminary amendment filed 03 October, 2006, Claim 1-60 were cancelled, without prejudice, and Claims 61-80 were added. Claims 61-80 stand rejected by the Examiners. In the present AMENDMENT/REPLY, Claims 61 and 68 are amended, Claim 64-67 and 69-80 are cancelled, and new Claims 81-89 are added. Accordingly, Claims 61-63 and 68, as amended, and the newly added Claims 81-89 are presented for prosecution. The amendments and cancellations of Claims in the present and previous Amendment Papers were made for the purpose of presenting the Claims in better form and for placing the Application in condition for allowance.

§ TWO. CLAIM OBJECTIONS

3.   The Examiner has taken exceptions with certain claim languages in Claims 65, 67, 70, 71, and 74. In the present AMENDMENT/REPLY, Claims 65, 67, 70 and 71 are cancelled, without prejudice, so as to place the Application in condition for allowance; Claim 74 is also cancelled and is rewritten as the newly added Claim 82, so as to comply after further consideration and to present the Claim in better form.

§ THREE. <u>CLAIM REJECTIONS UNDER 35 U.S.C. § 112</u>

4.   The Examiner has taken exception with certain claim languages in Claim 65. In the present AMENDMENT/REPLY, Claim 65 is cancelled, without prejudice, so as to comply and to place the Application in condition for allowance.

§ FOUR. <u>DIFFERENCES BETWEEN THE CLAIMED INVENTION AND
THE PRIMARY REFERENCE</u>

5.   Applicant respectfully submits that, there are substantial differences between the claimed invention and DELEEUW, the primary prior art reference cited in the Office Action, which differences are demonstrated by the following (as well as the entire) teachings of DELEEUW:

(a)   "the system being coupled to a source of video data signals, the <u>video data signals</u> representing a <u>**scene**</u>" (in DELEEUW,1:31-33) [*emphasis added*];

(b)   "Real-time video images may be captured by a video camera coupled to a PC or received from <u>any other source</u> of video data signals and rendered to the **entire screen** of the PC's display such that the <u>captured</u> video images may be made **transparent** and shown on the display" (2:55-60) [*emphasis added*];

(c)   "a video camera **captures** a <u>live</u> video stream of a **scene**" (3:46-48) [*emphasis added*].

6.   The key differences between the claimed invention and DELEEUW lies in the technical concepts of two critical claim elements, including: (i) Live component situated on a default desktop display, in the independent Claims 61, as amended, and 74 (rewritten as Claim 82), and in those claims depending therefrom; and (ii) transparent window, in Claim 68 (as amended, and also rewritten as a new independent Claim 88) and Claim 78 (rewritten as Claim 83), and in those claims depending therefrom, if any, as hereinafter more fully appear.

§ 4.1. <u>TEXTUA L DATA REPRESENTING TEXTUAL DESCRIPTION OF LIVE EVENT,</u>
<u>as opposed to.</u>
<u>VIDEO IMAGING DATA REPRESENTING REFLECTION OF LIVE (PHYSICAL)</u>
<u>SCENE</u>

7.   With respect to live information associated with a live event, the foregoing cited as well as the entire teachings of DELEEUW clearly suggests,

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(i)   in DELEEUW, both the so-called live information and the transparent display (or
        transparent "layer") are directly associated with a live "video stream" transmitted to the
        user's computer and displayed on the user's computer monitor. The live "video stream"
        may be received from a video camera directly coupled to the user's computer, or from
        other sources (such as from a computer server); and more importantly, the video stream is
        a direct reflection or imaging of a live (physical) SCENE CAPTURED by an instrument
        (camera), and what is displayed on the user's computer monitor is a playback of such live
        (physical) scene so captured;
        [Note that, the term "capture", "scene", and "video data signal" or "video stream" are
        repeatedly used in DELEEUW];

(ii)   DELEEUW only teaches employing Video/Imaging means (as opposed textual
        description) for recording/presenting a live event/scene, and transmitting the video-stream
        data representing the captured live (physical) scene to the user's computer for display;

(iii)   DELEEUW does NOT teach providing TEXTUAL DESCRIPTION of a live event, or
        transmitting the associated textual data live from a remote computer to the user's computer
        for display.

8   IN CONCLUSION, in DELEEUW, what is displayed on the user's computer monitor is a
playback of a captured live physical scene; and the data for representing the live event received by
the user's computer (i) is a "video data signal", (ii) is a direct reflection or imaging of a live
physical scene, and (iii) does not contain textual description or the like of such live event.

9   IN CONTRAST: in the claimed invention, what is displayed on the user's computer
screen is NOT related to playback of a physical scene captured or imaged; the live information
data for representing a live event transmitted from a remote computer to the user's computer, and
presented on the "live component" of the desktop display thereof, (i) are NOT video stream data,
(ii) do NOT pertain to direct reflection or imaging of a live physical scene (*i.e.*, the graphical
characteristics of the "live component" of the desktop display is substantially artificial); and (iii)
DO contain textual description of the live event (see FIG. 4, ref no. 94D).

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10   Note that, when textual data are received by a computer, the associated text content (such as the plain texts or the like, or the associated ASCII codes, in a simple example) are usually contained or embedded in the textual data, *i.e.*, the texts may be readily extracted from the textual data (usually the data also includes headers and other information or data format); whereas in case of video imaging of a physical scene, even if the physical scene does include a sign or a display of languages, words, or texts that can be visually observed and captured by the video camera, it is usually very difficult to extract, from the video data signals, the text content associated with the language/text signs displayed within the streaming video image frames without a sophisticated video-frame pixel-color data analysis program.

§ 4.2. FINITE-SIZE TRANSPARENT WINDOW,
        as opposed to,
        FULL-SCREEN TRANSPARENT LAYER

11.   With respect to the technical concept of Transparent Window/Layer, the plain language of the above-quoted teachings of DELEEUW (2:55-60) is readily clear that, in DELEEUW, (i) both the live information data representing a live event and the technical concept of transparent "layer" therein are **directly associated** with the video images transmitted to the user's computer and displayed on the computer monitor; and (ii) More importantly, the video images and thus the transparent layer are "rendered to the ENTIRE SCREEN of the PC's display".

12.   **IN CONTRAST**:   Applicant's original disclosure makes it clear that, a window may have (i) a "full-screen mode", and (ii) a "reduced-size" mode (*i.e.*, "the display of the window is smaller than the full screen" (paragraph [0032])). Thus, evidently, in the claimed invention, the technical concept of "transparent window" means that the size of such a transparent window may be either the same as or be smaller than the entire display area of the screen.

§ FIVE. PRIOR ART DISCUSSED DURING INTERVIEW AND THE RESULTANT
         AMENDMENTS

13.   Applicant's STATEMENT OF SUBSTANCE OF INTERVIEW was field on 29 March, 2007. As set out therein, during the Interview, additional prior art was discussed – the Supervisory Primary Examiner pointed out a scenario that, live stock quote data received from a remote

computer be displayed on a computer screen of a specialized stock-information-display computer, which is common in a stock-trading business environment.

14.   In view of such a prior art discussed, after further considerations (although Applicant is not directly aware of such a prior art other than hearsay), Applicant now agrees that further claim limitation needs to be included. Consequently, in the Amendment to the Claims, (i) instead of claiming a general "computer system", the amended Claim 61 is now directed to a "multi-purpose personal computer system"; (ii) similarly, in the new independent Claim 82, which claims a "computer readable medium", the "computer processing instruction system" stored thereon is limited to be used in a "multi-purpose computer system" (as opposed to a single-purpose specialized computer system); and (iii) Claims 85-87 are added for providing further limitations to Claim 82 in that regard. As it is well known, a personal computer is usually a multi-purpose computer, i.e., a user usually need to use the computer for different "purposes" from time to time, such as sending/receiving email, using the Internet, and word processing, etc. Such a multi-purpose personal computer claimed is the most-commonly seen computer, and is usually used in an office environment or as a home computer. IN CONTRAST: the prior art computer used for constantly displaying live stock-quote data received from a remote computer is a SINGLE-PURPOSE computer (as opposed to a "multi-purpose" computer); i.e., it is a specialized computer that is to be used for the sole purpose of displaying stock quote data received; This type of computer is not desired by the user to be used as a multi-purpose computer (such as for sending/receiving emails, for example); Moreover, it is not a personal computer that is to be used in an office environment or as a personal home computer.

§ SIX. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

15.   Applicant respectfully traverses the Examiner's rejections of Claims 61, 68, 69, 74, and 78, under 35 U.S.C. § 102(b), as being anticipated by DELEEUW, in view of the foregoing differences between the claimed invention and DELEEUW (see § FOUR above).

§ 6.1   Legal Concept of § 102 Anticipation

16.   The legal concept of anticipation under § 102 is well established as that, (i) every claim element in the claim must be found in a single prior art reference, and that (ii) the claim elements found in the prior art reference must also be arranged as required by the claim. See, e.g., (A)

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Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if <u>each and every element as set forth in the claim</u> is found, either expressly or inherently described, in a single prior art reference." [*emphasis added*]); and (B) *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The <u>identical invention must be shown in as complete detail</u> as is contained in the ...claim." and "Every element of the claimed invention must be literally present, arranged as in the claim" [*emphasis added*]); See also MPEP § 2131. Moreover, evidence of secondary consideration, such as unexpected result or commercial success, and the issues of non-analog art and teaching away from claimed subject matter are not relevant to a §102 rejection.

§ 6.2   Arguments

17.   The Examiner's errors in rejecting Claims 61, 68, 69, 74, and 78 under 35 U.S.C. § 102(b) are readily apparent in view of the foregoing legal concept of § 102 anticipation and of the differences between the claimed invention and DELEEUW set out in **§ FOUR** above.

18.1   In rejecting Claims 61 and 74, the Examiner failed to identify the foregoing difference of "TEXTUAL DATA REPRESENTING TEXTUAL DESCRIPTION OF LIVE EVENT, **as opposed to,** VIDEO IMAGING DATA REPRESENTING REFLECTION OF LIVE (PHYSICAL) SCENE". Such a critical difference between the claimed invention and DELEEUW (see **§ 4.1** above) shall render Claims 61 and 74 unanticipated by DELEEUW, because a claim is anticipated only if *identical* invention claimed must be shown and each and every claim element must be found in the single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California, supra; Richardson v. Suzuki Motor Co., supra.*

18.2   In order to further illustrate the foregoing difference of "TEXTUAL DATA REPRESENTING TEXTUAL DESCRIPTION OF LIVE EVENT, **as opposed to,** VIDEO IMAGING DATA REPRESENTING REFLECTION OF LIVE (PHYSICAL) SCENE" between the claimed invention and DELEEUW, the following claim language/limitation is added to the Claims:

> "<u>said live information being represented by live information data received from said remote computer, said live information data including textual data pertaining to textual, logical, or numerical description of a live or recently occurred event.</u>"

18.3   Claim 61 is amended, and Claim 74 is rewritten as Claim 82 herein, so as to incorporate such a claim limitation language and to present the claims in better form.

19.1   In rejecting Claims 68, 69, and 78, the Examiner failed to identify the foregoing difference of "FINITE-SIZE TRANSPARENT WINDOW, as opposed to, FULL-SCREEN TRANSPARENT LAYER". Such a critical difference between the claimed invention and DELEEUW (see § 4.2 above) shall render Claims 68, 69, and 78 unanticipated by DELEEUW, because, again, a claim is anticipated only if *identical* invention claimed must be shown and each and every claim element must be found in the single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California, supra; Richardson v. Suzuki Motor Co., supra.*

19.2   In order to further illustrate the foregoing difference of "FINITE-SIZE TRANSPARENT WINDOW, as opposed to, FULL-SCREEN TRANSPARENT LAYER" between the claimed invention and DELEEUW, the following claim language/limitation is added to the Claims:

> "wherein said window includes a finite-size mode in which said window and said display content are displayed within a display area that is smaller than said display device's entire display area"

19.3   For the purpose of incorporating such a claim limitation language and for presenting the Claims in better form, (i) Claim 68 is amended and is also rewritten as an independent Claim 88 and as Claim 89 depending from Claim 88; and (ii) Claim 78 is rewritten as Claim 83. Claim 69 is cancelled, without prejudice, because the scope of Claim 69 is now included in Claim 68, as amended.

19.4   In rejecting Claims 68, 73, 77 and 78, on pages 4, 12, 17, and 6, respectively, in the Office Action, the Examiner refers to FIG. 10, Ref. No. 502 in DELEEUW in support of the Examiner's argument that DELEEUW teaches a window being transparent. However, FIG. 10 and Ref. No. 502 in DELEEUW pertain to a functional block diagram "illustrating components of an application program [502]" (2:21-24; 11:32-13:26), and they are **NOT** related to the actual visual display of the graphical results of such an application program. Applicant respectfully requests

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that the Examiner carefully review the basic technical nature and the fundamental technical concept of the teachings of the prior art before relying thereon in rejecting the Claims.

§ SEVEN. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

20.   Applicant respectfully traverses the Examiner's rejections, under 35 U.S.C. § 103, of (i) Claim 62 as being unpatentable over DELEEUW; (ii) Claim 63 as being unpatentable over DELEEUW in view of RATHBONE (Window XP for Dummies; Microsoft Outlook); (iii) Claims 64-67 and 70-73 as being unpatentable over DELEEUW in view of LEWIS (5,990,862), (iv) Claims 79-80 as being unpatentable over DELEEUW in view of BOWDEN (5,588,107) and further in view of LEWIS; and of (v) Claims 75-77 as being unpatentable over DELEEUW in view of LEWIS and further in view of NAGAHARA et al. Claims 64-67, 70-73, 75-77, 79 and 80 are cancelled herein for the sole purpose of placing the Application in condition for allowance. The following discussions will focus on rejections of Claims 62 and 63.

§ 7.1. Error in Rejections – References not Teaching All Claim Limitations

21.   In rejecting Claims 62 and 63, the Examiner failed to identify the foregoing differences of "TEXTUAL DATA REPRESENTING TEXTUAL DESCRIPTION OF LIVE EVENT, as opposed to, VIDEO IMAGING DATA REPRESENTING REFLECTION OF LIVE (PHYSICAL) SCENE" between the claimed invention and DELEEUW. Thus, the Examiner failed to establish *prima facie* case of obviousness in rejecting Claims 62 and 63 under 35 U.S.C. § 103(a), because the prior art references, in combination, do not teach all the claim limitations. In particular, the claim limitation of "live component situated on default desktop display" is not taught in any of the references. In order to rely on references for obviousness rejection under 35 U.S.C. § 103(a), all claim limitations of Applicant's Claim must be taught or suggested by the references. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970); and *In re Royka*, 490 F.2d 981 (CCPA 1974).

22.   In rejecting Claim 63, the Examiner suggests (paragraph 10 on page 7 in the Office Action) the combination of DELEEUW and RATHBONE to arrive at the claimed invention. However, the number of email displayed in Figure 12-9 on page 234 in RATHBONE pertains to the display content of the application program "Outlook Express" that has been activated by a user. As it is

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well know, (i) an user-activated application program "Outlook Express" is **NOT** a **component** of a desktop display, which is the **default** display of the computer system, because **(ii)** a component of the desktop display is the one that will be "constantly situated on said desktop display after said desktop display be properly set up as desired by a user, and being displayed to the user whenever said desktop display is displayed to the user" (Claim 61 as amended). Thus, such a claim limitation of Claim 61, as amended, on which Claim 63 depends, is not taught in any of the two references. Therefore, the Examiner failed to establish a proper *prima facie* case of obviousness in rejecting Claim 63, under 35 U.S.C. § 103(a), based on DELEEUW and RATHBONE. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970); and *In re Royka*, 490 F.2d 981 (CCPA 1974).

§ 7.2. Error in Rejections –No Reasonable Expectation of Success.

23.   In rejecting Claim 62, the Examiner states, in paragraph 9 on page 6 in the Office Action, "the Examiner considers it immaterial what kind of live information is displayed from an Internet Server (12:43-53) and that it would have been obvious ... that the live information displayed would pertain to a live news report.... News reports are notoriously ubiquitous form of live information available." However, as described above, DELEEUW's teaching only pertains to employing video imaging means to record the live physical scene of a news event. The modification of DELEEUW to arrive at the claimed invention, as alleged by the Examiner – *i.e.*, to have video images that reflect the live physical scene of the interested live event leading to the news reports to be recorded and transmitted to the user's computer, regardless of how far such physical scene is located – would be equivalent to the very traditional live TV news casting method that would use a completely different infrastructure and would require a full TV camera crews and a full live news casting team. Such an expensive undertaking is not the objective of or the intended result of the claimed invention, which is provided for taking advantage of the Internet technology to improve productivities. Thus, the Examiner failed establish a proper *prima facie* case of obviousness in rejecting Claim 62, since there is no reasonable expectation of success with respect to the Examiner's alleged modification. *In re Rinehart*, 531 F.2d 1048, 1053-1054 (CCPA 1976; *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991).
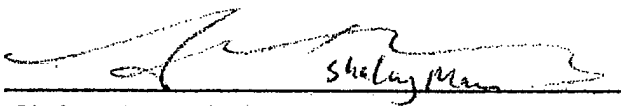
PART III. CONCLUSION

24.   Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.111, 112, that the Examiner reconsider and withdraw the rejections of Claims, in view of the foregoing AMENDMENTS TO THE CLAIMS, REMARKS, and the Interview, and allow the amended, the rewritten and the newly added Claims. Again, in the Office Action, the Examiner failed to identify the two critical differences between the claimed invention and DELEEUW, the primary prior art reference, including: (i) TEXTUAL DATA REPRESENTING TEXTUAL DESCRIPTION OF LIVE EVENT, **as opposed to**, VIDEO IMAGING DATA REPRESENTING REFLECTION OF LIVE (PHYSICAL) SCENE; (ii) FINITE-SIZE TRANSPARENT WINDOW, **as opposed to**, FULL-SCREEN TRANSPARENT LAYER. As set forth above, new claim limitations are added to particularly point out these differences.

25.   Applicant respectfully submits that, the Application is in condition for allowance, and such an action is respectfully requested. In case that in the ensuing Office Action, the Examiner maintains any of the rejections based on any common knowledge in the art that is not found in the prior art references cited, Applicant respectfully requests, pursuant to 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03, that the Examiner take official notice of the facts that are deemed common knowledge or well known and provide documentary evidence. If the Examiner has any question pertaining to the Application or to the present or previous Amendment papers, the Examiner is invited to contact the undersigned at (214) 228-8679.

Respectfully Submitted

SIGNED ON: 30 March 2007

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